

This Page Is Inserted by IFW Operations  
and is not a part of the Official Record

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning documents *will not* correct images,  
please do not report the images to the  
Image Problem Mailbox.**



5-5-04 IFW

DAC

Attorney Docket No. 9400-49

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Maria Adamczyk et al.

Serial No.: 10/719,270

Group Art No.: 2661

Filed: November 21, 2003

Confirmation No.: 2793

For: METHODS, COMPUTER PROGRAM PRODUCTS, AND SYSTEMS FOR  
MANAGING QUALITY OF SERVICE IN A COMMUNICATION NETWORK  
FOR APPLICATIONS

May 4, 2004

Office of Patent Legal Administration  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO ACCORD THE PROPER FILING DATE**

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of November 21, 2003 rather than November 24, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of November 21, 2003 being the correct filing date for the application, which was properly filed under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the Express Mail Receipt along with a copy of the USPS-Track & Confirm from the web page ([www.usps.com](http://www.usps.com)) , showing "acceptance" or deposit date with the USPS at 5:36 p.m. on November 21, 2003; and
3. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of November 24, 2003 instead of the Express Mail date of November 21, 2003.

RECEIVED  
MAY -6 2004  
O I P E J C A R

In re: Maria Adamczyk et al.  
Serial No.: 10/719,270  
Filed: November 21, 2003  
Page 2

This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of November 21, 2003 as the filing date pursuant to 37 CFR § 1.10.

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,



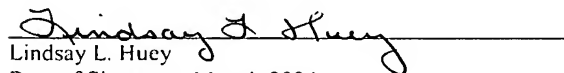
David K. Purks  
Attorney For Applicant  
Registration No. 40,133

**USPTO Customer No. 20792**  
Myers Bigel Sibley & Sajovec  
Post Office Box 37428  
Raleigh, North Carolina 27627  
Telephone: 919/854-1400  
Facsimile: 919/854-1401

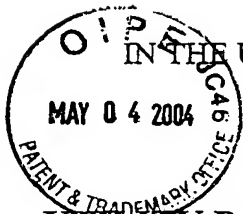
**CERTIFICATE OF EXPRESS MAIL**

Express Mail Label Number EV 472540258 US  
Date of Deposit: May 4, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to OFFICE OF PATENT LEGAL ADMINISTRATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Lindsay L. Huey  
Date of Signature: May 4, 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

ATTY DOCKET NO.: 9400-49

DATE: November 21, 2003

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER  
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

- ☒ a patent application  
☐ a Continuation ☐ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application no.: \_\_\_\_\_; filed \_\_\_\_\_, the disclosure of which is incorporated herein by reference in its entirety.  
☐ and claims the benefit of Provisional Application No. \_\_\_\_\_; filed \_\_\_\_\_.

Inventor(s) or Application Identifier:

Maria Adamczyk – Alpharetta, Georgia  
Edgar Vaughan Shrum, Jr. – Smyrna, Georgia  
Li Zhang – Alpharetta, Georgia

Thomas Arnold Anschutz – Conyers, Georgia  
Steven Allan Wright – Roswell, Georgia

Entitled: METHODS, COMPUTER PROGRAM PRODUCTS, AND SYSTEMS FOR MANAGING QUALITY OF SERVICE IN A COMMUNICATION NETWORK FOR APPLICATIONS

Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428  
Raleigh, North Carolina 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401  
Customer No. 39072

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 79 pages of Specification (including 41 claims)
3. ☒ 25 sheets of Formal Drawings (35 USC 113)
4. ☒ Oath or Declaration
  - a. ☒ newly executed (*original or copy*)
  - b. ☐ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*)) [Note Box 6 Below]
  - c. ☐ **DELETION OF INVENTOR(S)** (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☐ Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
7. ☐ Microfiche Computer Program (*Appendix*)
8. ☒ Assignment papers (*cover sheet(s) and document(s)*)
9. ☐ Applicant claims small entity status. See 37 CFR § 1.27.
10. ☐ Information Disclosure Statement, PTO-1449, and \_\_\_\_\_ references cited

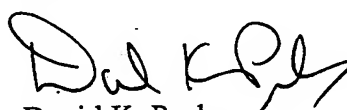
11. ☐ Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
12. ☐ English Translation Document
13. ☐ Certified Copy of Application No. ; Filed
14. ☐ Sequence Listing/ Sequence Listing Diskette
  - a. ☐ computer readable copy
  - b. ☐ paper copy
  - c. ☐ statement in support
15. ☐ An Associate Power of Attorney
16. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
17. ☐ Deletion of Inventors(s) (Signed statement attached deleting inventor(s) name in the prior application. See 37 CFR 1.63(d)(2) and 1.33(b).)
18. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form.
19. ☐ Other:

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate Fee	Large Entity Rate Fee
BASIC FEE			\$385.00	\$ 770.00
TOTAL CLAIMS	41 - 20 =	21	x 09 = \$	x 18 = \$378
INDEP CLAIMS	5 - 3 =	2	x 43 = \$	x 86 = \$172
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 145 = \$	+ 290 = \$
<i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i>			Total \$	Total \$1320

- ☐ A check in the amount of \$ to cover the filing fee is enclosed.
- ☒ A check in the amount of \$1320 is enclosed to cover the filing fee and a check in the amount of \$40 is enclosed to cover the Assignment Recordation fee.
- ☐ Please charge my Deposit Account No. 50-0220 in the amount of \$
- ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
- a. ☒ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
  - b. ☒ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

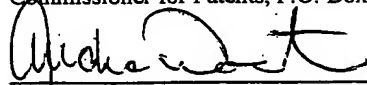
  
 David K. Purks  
 Registration No. 40,133

#### CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EV 318417775 US

Date of Deposit: November 21, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
 Audra Wooten



EV 318417775 US



UNITED STATES POSTAL SERVICE®

Customer Copy

Label 11-F June 2002

Post Office To Addressee

## ORIGIN (POSTAL USE ONLY)

P.O. Zip Code 21638	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second <input type="checkbox"/>	Flat Rate Envelope <input type="checkbox"/>
Date in Mo. Day Year 11 16 2002	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 1.785
Time in <input type="checkbox"/> AM <input type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Weight lbs. ozs.	Int'l Alpha Country Code	COD Fee Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials [Signature]	Total Postage & Fees \$ 1.785

## DELIVERY (POSTAL USE ONLY)

Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		
Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		
Delivery Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		
<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.		
NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		
Customer Signature		

## CUSTOMER USE ONLY

## METHOD OF PAYMENT:

Express Mail Corporate Acct. No.

A276081

Federal Agency Acct. No. or  
Postal Service Acct. No.

## FROM: (PLEASE PRINT)

PHONE ( )

MYERS SIBEL SIBLEY & SADDYAC  
PO BOX 37420  
RALEIGH NC 27627-1428

DKP/abw 9400-49

## TO: (PLEASE PRINT)

PHONE ( )

MS Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PRESS HARD.

You are making 3 copies:

FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com



## Track & Confirm

### Shipment Details

You entered EV31 8417 775U S

Your item was delivered at 9:21 am on November 24, 2003 in ALEXANDRIA, VA 22313 to PATENT OFFICE. The item was signed for by R CARR.

Here is what happened earlier:

- ARRIVAL AT PICK-UP-POINT, November 22, 2003, 10:01 am, ALEXANDRIA, VA 22313
- ARRIVAL AT UNIT, November 22, 2003, 9:26 am, DULLES, VA 20102
- ENROUTE, November 21, 2003, 6:23 pm, RALEIGH, NC 27623
- ACCEPTANCE, November 21, 2003, 5:36 pm, RALEIGH, NC 27612

### Notification Options

▶ Track & Confirm by email [What is this?](#) [Go >](#)

▶ Request Proof of Delivery [What is this?](#) [Go >](#)

### Track & Confirm

Enter label number:

[G](#)

Track & Confirm FAQs [Go >](#)



**POSTAL INSPECTORS**  
Preserving the Trust

[site map](#) [contact us](#) [government services](#)  
Copyright © 1999-2002 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DKP/62 Date: 11-21-03  
12-03-03 A09:32

Doc. No. 9400-49  
Serial No. T69  
Inventor: Adamczyk

Sir: Kindly acknowledge receipt of the accompanying items listed below  
by placing your receiving stamp hereon and return mailing:

☒ Application Transmittal and:  
☒ Specification pages 19  
☒ No. of Claims 41  
☒ Declaration & POA  
☒ Assignment and Fee -340  
☒ Small Entity Statement  
☒ Formal Drawings/25 sheets  
☒ Associate Power of Attorney  
☒ Exp. Mail \_\_\_\_\_ 1st Class Mail

☒ Check \$ 1320  
IDS & PTO-1449 & \_\_\_\_\_ refs:  
Amendment & Amend. Transmittal:  
Preliminary Amendment:  
Issue Fee:  
Brief:  
Appeal:  
Submittal of Priority Doc.

Other: \_\_\_\_\_

Respectfully submitted,  
MYERS BIGEL SIBLEY & SAJOVEC, P.A.  
Attorneys for Applicant

22141 U.S. PTO  
10/7/03  
112403



DKP

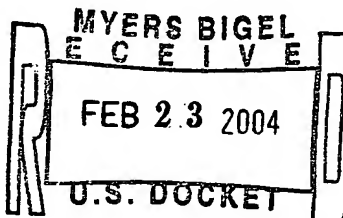


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

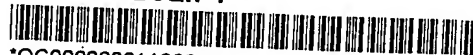
APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/719,270	<del>11/24/2003</del> 11/21/2003	2661	1320	9400-49	25	41	5

39072  
MYERS BIGEL SIBLEY & SAJOVEC, P.A.  
P.O. BOX 37428  
RALEIGH, NC 27627



CONFIRMATION NO. 2793

## FILING RECEIPT



\*OC000000011939468\*

Date Mailed: 02/20/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Maria Adamczyk, Alpharetta, GA;  
Thomas Arnold Anschutz, Conyers, GA;  
Edgar Vaughan Shrum JR., Smyrna, GA;  
Steven Allan Wright, Roswell, GA;  
Li Zhang, Alpharetta, GA;

## Domestic Priority data as claimed by applicant

This appln claims benefit of 60/470,650 05/15/2003

## Foreign Applications

If Required, Foreign Filing License Granted: 02/19/2004

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No

## Title

Methods, computer program products, and systems for managing quality of service in a

communication network for applications

**Preliminary Class**

370

---

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



## Track & Confirm

### Shipment Details

You entered EV47 2540 258U S

Your item was delivered at 9:27 am on May 05, 2004 in ALEXANDRIA, VA 22313 to PATENT OFFICE. The item was signed for by M BOSTON.

Here is what happened earlier:

- ARRIVAL AT UNIT, May 05, 2004, 8:27 am, DULLES, VA 20102
- ENROUTE, May 04, 2004, 7:38 pm, RALEIGH, NC 27623
- ACCEPTANCE, May 04, 2004, 5:51 pm, RALEIGH, NC 27612

### Notification Options

- ▶ Track & Confirm by email [What is this?](#)
- ▶ Request Proof of Delivery [What is this?](#)



### Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)



**POSTAL INSPECTORS**  
Preserving the Trust

[site map](#) [contact us](#) [government services](#)  
Copyright © 1999-2002 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)